

PATENT COOPERATION TREATY


PCT

REC'D 30 AUG 2005

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference		FOR FURTHER ACTION		See Form PCT/IPEA/416
International application No. PCT/EP2004/013952		International filing date (day/month/year) 01.12.2004		Priority date (day/month/year) 16.12.2003
International Patent Classification (IPC) or national classification and IPC C11D3/42, C11D3/22, C11D3/37				
Applicant UNILEVER PLC et al.				
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 6 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> sent to the applicant and to the International Bureau a total of sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>				
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the opinion</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>				
Date of submission of the demand 17.06.2005		Date of completion of this report 26.08.2005		
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465		Authorized Officer Pfannenstein, H Telephone No. +49 89 2399-8217		



**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

International application No.
PCT/EP2004/013952

Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language , which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
 - ☐ publication of the international application (under Rule 12.4)
 - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements*** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

Description, Pages

1-40 as originally filed

Claims, Numbers

1-10 as originally filed

- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages
 - ☐ the claims, Nos.
 - ☐ the drawings, sheets/figs
 - ☐ the sequence listing (*specify*):
 - ☐ any table(s) related to sequence listing (*specify*):
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages
 - ☐ the claims, Nos.
 - ☐ the drawings, sheets/figs
 - ☐ the sequence listing (*specify*):
 - ☐ any table(s) related to sequence listing (*specify*):

* If item 4 applies, some or all of these sheets may be marked "superseded."

**INTERNATIONAL PRELIMINARY REPORT
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International application No.
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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	
	No: Claims	1-10
Inventive step (IS)	Yes: Claims	
	No: Claims	1-10
Industrial applicability (IA)	Yes: Claims	1-10
	No: Claims	

2. Citations and explanations (Rule 70.7):

see separate sheet

Re Item V

- 1) Reference is made to the following documents:
 - D1 DE-A-2951212
 - D2 US-A-4294711
 - D3 WO-A-0005334
 - D4 WO-A- 0058431, cited in the application
 - D5 WO-A- 0058432, cited in the application
 - D6 US-A-4579681.
- 2) Claims 1, 7 do not meet the requirements of Article 6 PCT in that the matter for which protection is sought is not clearly defined by deposition aid which deposits the particulate brightener on to consumer articles during the laundry process. The claims attempt to define the subject-matter in terms of the result to be achieved, which merely amounts to a statement of the underlying problem, without providing the technical features necessary for achieving this result, see pages 19-24.
- 3) D1 (examples 6-11,19, claims) describes particles comprising a) fluorescent whitening agent, b) detergent mixture including STP, surfactants (carrier) and c) polyvinylpyrrolidone (PVP) or cellulose ether. Compounds c) are explicitly listed as deposition aid in the present application. Thus the subject-matter of claims 1-2, 5-10 is not novel (Articles 33(2) PCT).

D2 (examples, claims) describes particles comprising a) fluorescent whitening agent, b) detergent mixture including STP (carrier), c) cationic surfactant such as quaternary ammonium, polyamine salts, d) carboxymethylcellulose (CMC). Compounds c) and d) are explicitly listed as deposition aid in the present application. Thus the subject-matter of claims 1-2, 4-5, 7-10 is not novel.

D3 (examples F-G,J claims) describes particles comprising a) fluorescent whitening agent, b) detergent mixture including STP, soda ash, surfactants (carrier), c) PEI, d) PVP and/or PVNO. Compounds c) and d) are explicitly listed as deposition aid in the present application. Thus the subject-matter of claims 1-2, 4-5, 7-10 is not novel.

D4 (claims, page 10) describes particles comprising fluorescent whitening agent, cellulose powder (carrier) and a dispersant such as hydroxymethylcellulose, CMC. CMC is explicitly listed as deposition aid in the present application. Thus the subject-matter of claims 1,4-6,7-10 is not novel.

D5 (claims, page 13) describes particles comprising fluorescent whitening agent, urea formaldehyde resin (carrier) and resins or wax. Thus the subject-matter of claims 1,3-6,7-10 is not novel.

- 4) The application relates to improved whitening and fluorescence of a wide range of different fabric types both cotton and synthetic and blends and increased stability of the whiteness as the whiteness is maintained over a period of time. In the examples detergent compositions comprising fluoescer and particles of fluoescer, urea formaldehyde and cationic hydroxyethylcellulose are used. It has been shown that if said particles are used compared to no particles the whiteness increased. It is noted that the compositions with said particles also have a higher amount of fluoescer. Thus it is not clear if there is an effect due to the cationic cellulose or due to the higher amount of fluoescer.

Furthermore, the listed deposition aids are quite different in chemical and physical nature.

D1 relates to a process of preparing detergent compositions which result in improved whiteness on fabrics.

D2 relates very good cleaning, good whiteness and softening properties of the treated fabrics.

D6 (claims, col.1, l.48-51) describes detergent compositions comprising surfactant and a vinylcaprolactam polymer, which is a cationic polymer. Said composition renders a polyester fabric more receptive to cotton brighteners.

Thus the subject-matter of claims is not inventive (Article 33(3) PCT).

- 5) Gerol on page 23, l.12 is not explained in detail.

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- 6) It is not clear if claim 10 describes a further deposition aid.